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Customized PTO/SB/21 (02-04)

## TRANSMITTAL FORM

(for all correspondence after initial filing)

Total number of pages in this submission =

Application #	09/856,358
Confirmation #	6873
Filing Date	22 May 2001
First Inventor	KEZUKA et al.
Art Unit	1765
Examiner	Umez Eronini
Docket #	P07223US00/BAS

### ENCLOSURES (check all that apply)

..... Fees calculated below	..... Response to Missing Parts/Incomplete Appl.
..... Amendment/Reply	..... Certified Copy of Priority Document(s)
..... including Attachment(s)	..... Information Disclosure Statement
..... After Final Amendment/Reply	..... Drawings
..... including Attachment(s)	..... Terminal Disclaimer
..... Extension of Time Petition	.....
..... X Other: Reconsideration of Holding of Abandonment under MPEP §711.03; copy of 12/22/03 submission and receipt; copy of 11/03/03 submission and receipt	.....
.....	.....

### FEES CALCULATION: For claims if required and/or other fees as shown below:

	NOW	Previously Paid For	Present Extra	Rate	\$
..... TOTAL CLAIMS				X \$ 18 =	
..... INDEP. CLAIMS				X \$ 86 =	
TOTAL OF ABOVE CLAIMS FEES =					
Reduction by ½ for small entity status of applicant					
SUBTOTAL =					
Fee for extension of time (per attached Petition)					
Other fee for					
TOTAL OF ALL FEES =					-0-

..... X A CREDIT CARD PAYMENT FORM (PTO-2038) in the amount of \$ -0- is enclosed. If no payment or an insufficient payment is enclosed and a fee is due in connection herewith, the Commissioner is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 12-0555.

..... X In the event that a petition for extension of time is required to be submitted herewith and that a separate petition is not submitted herewith, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized above.

Date: 11 March 2004

By: B. Aaron Schulman  
Registration No.: 31,877

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>RECONSIDERATION OF HOLDING OF ABANDONMENT UNDER MPEP §711.03 – NO ABANDONMENT IN FACT</b>	Application #	09/856,358
	Confirmation #	6873
	Filing Date	22 May 2001
	First Inventor	KEZUKA et al.
	Art Unit	1765
	Examiner	Umez Eronini
	Docket #	P07223US00/BAS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

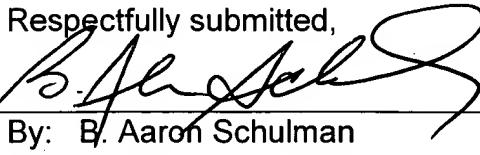
SIR:

An improper Notice of Abandonment for the above-identified application was mailed on February 17, 2004, which indicated that this application was abandoned by failure to file a proper Request for Continued Examination. However, the grounds for the improper RCE was that this case had been abandoned on November 1, 2003, which was a Saturday. To the contrary, a Notice of Appeal was timely filed on Monday, November 3, 2003 to prevent this case from going abandoned, and this was followed by a proper Request for Continued Examination (RCE) on December 22, 2003 which indicated that the previously submitted response to the outstanding Final Rejection (filed on October 24, 2003) was to be considered. Therefore, there was no abandonment in fact and the Notice of Abandonment was evidently mailed in error.

Enclosed herewith is a copy of the Notice of Appeal and RCE response timely filed, together with a copy of the stamped receipt for each submission.

In view of the fact that there was no abandonment in fact, reconsideration of the holding of abandonment pursuant to MPEP §711.03 is requested. If any other action is required by Applicant to effect further prosecution, please contact the undersigned as soon as possible.

Respectfully submitted,



By: B. Aaron Schulman  
Registration No.: 31,877

Date: March 11, 2004

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